

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

LANCE IAN OSBAND,

Petitioner,

vs.

No. CIV S-97-0152 WBS KJM

DEATH PENALTY CASE

ROBERT L. AYERS, JR.,  
Acting Warden of San Quentin  
State Prison,

Respondent.

ORDER

The undersigned has reviewed the parties' letter briefs submitted after this afternoon's telephonic conference. Federal Rule of Civil Procedure 45, subsections (c)(2)(B) and (c)(3), authorize the court to shorten the time within which compliance, objections, or a motion to quash may be made in response to a subpoena. Given the imminence of the evidentiary hearing in this matter and the potential relevance of the information which is the subject of the subpoena granted in the court's order issued earlier today, the undersigned finds good cause to shorten the fourteen-day response period set out in Rule 45(c)(2)(B). Petitioner shall direct compliance with the subpoena by 5:00 p.m. on Thursday, January 11, 2007. Petitioner shall effect personal service of the subpoena by 10:00 a.m. on Monday, January 8, 2007.<sup>1</sup>

---

<sup>1</sup> This order thus relieves petitioner of the obligation to effect service of the subpoena today.

1           The court also finds no requirement that petitioner serve the affected attorney with  
2 notice of the subpoena.

3 DATED: January 5, 2007.

4  
5  
6   
7 U.S. MAGISTRATE JUDGE  
8  
9  
10  
11  
12

13 osband  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26